

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION

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Karl Knutson and Ali Kopyt-Knutson,

Plaintiffs,

vs.

Case No.: \_\_\_\_\_  
Milwaukee County Case No. 12-CV-009559

Sundance Vacations N.A., Inc.,

Defendant.

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**NOTICE OF REMOVAL**

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**PLEASE TAKE NOTICE** that defendant Sundance Vacations N.A., Inc. hereby removes this action to the United States District Court for the Eastern District of Wisconsin pursuant to 28 U.S.C. §§ 1332 (diversity), 1441 and 1446, and as and for its short, plain statement of the grounds for removal, respectfully states and alleges as follows:

1. On August 28, 2012, plaintiffs Karl Knutson and Ali Kopyt-Knutson commenced an action against Sundance Vacations N.A., Inc. in the Circuit Court for the State of Wisconsin – Milwaukee County, captioned Knutson v. Sundance Vacations N.A., Inc., Case No. 12-CV-009559, by filing a Summons and Complaint with the Milwaukee County Clerk of Courts – Civil Division, a true and correct copy of which is attached hereto as Exhibit 1.

2. Sundance Vacations N.A., Inc. first received Exhibit 1 on September 10, 2012, within the meaning of 14 U.S.C. § 1446(b). The time within which Sundance Vacations N.A., Inc. is required to file a responsive pleading has not yet expired, and Sundance Vacations N.A.,

Inc. will file a responsive pleading within the time set forth under Fed. R. Civ. P. 81(c). No further proceedings have been had in this action.

3. The complaint filed by Knutson, Exhibit 1, is a civil action of which this court has original jurisdiction under the provisions of Title 28, U.S. §§ 1332 (diversity) and 1441, in that it is a civil action wherein the matter in controversy allegedly exceeds the sum or value of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs, as more fully appears from plaintiffs' Complaint and is between citizens of different states.

4. Knutson, was, at the time this action was commenced, and still is, an adult resident of Wisconsin residing at 1006 East Auer Avenue, Milwaukee, WI 53212.

5. Sundance Vacations N.A., Inc., was, at the time this action was commenced, and still is, a corporation organized under the laws of the Commonwealth of Pennsylvania, with its principal place of business located at 264 Highland Park Boulevard, Wilkes-Barre, Pennsylvania 18702.

6. Removal is timely under 28 U.S.C. § 1446(b) as Sundance Vacations N.A., Inc. first received the Summons and Complaint, Exhibit 1, on September 10, 2012.

7. Knutson seeks various damages, including, but not limited to compensatory damages, statutory damages, punitive damages, and actual reasonable attorneys fees. (Exhibit 1, *ad damnum* clause, p. 20-21).

8. While defendant does not agree that it is liable to plaintiffs for any of the alleged damages, Sundance Vacations N.A., Inc. estimates, in good faith, that the stakes at the time of removal, including the aggregate of all compensatory damages and attorneys fees exceeds the sum or value of \$75,000, exclusive of interests and costs.

9. In accordance with 28 U.S.C. § 1446(d), written notice of removal is being provided to the plaintiff and filed with the Clerk of the Circuit Court for Milwaukee County.

**WHEREFORE**, Sundance Vacations N.A., Inc. requests that the above action now pending against it in the Circuit Court for the State of Wisconsin – Milwaukee County be removed to the United States District Court for The Eastern District of Wisconsin.

Dated at Milwaukee, Wisconsin this 10<sup>th</sup> day of October, 2012.

/s/ Michael P. Russart

Michael P. Russart

State Bar No: 1023128

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